

REMARKS

In light of the following remarks, reconsideration of the present application is requested. Claims 1-7, 10-16, 18, and 21-27 are pending in the application. Claim 1 is an independent claim. Claims 8, 9, 17, 19, and 20 are canceled. Claims 1 and 26 are amended.

35 U.S.C. §103 Rejections

I. Claims 1, 3-7, 12-16, 18, 21-24, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hisai et al. (U.S. Publication No. 2003/0192686) in view of Hara et al. (U.S. Patent No. 5,413,167) and Emoto (U.S. Patent No. 7,064,804). The Applicants respectfully traverse.

In the Office Action dated August 5, 2009, the Examiner indicated, on pages 11 and 12, that:

The limitation "adapted to supply coolant into the heatpipe when the plate is cooled and to store the coolant supplied to the heatpipe when the plate is heated" as recited in claim 1 and the limitations "configured to provide flow communication between the coolant storage tank and the heat pipe," "configured to receive the coolant from the heat pipe via the coolant supply line" and "configured to receive the coolant from the coolant storage tank via the coolant supply line" as recited in claim 26, are statements of intended use, and indicates that the claimed apparatus has to be designed to perform the function intended to be performed, not the action of positively performing the function, as is the case here.

Although the Applicants do not agree the aforementioned features recite "intended use," the Applicants have amended claim 1 so that the heat pipe, coolant supply pipe line, and the coolant storage tank positively perform their alleged "intended" functions. For example, claim 1 is amended to recite "a heatpipe cooling the plate" rather than "a heatpipe adapted to cool the plate." Similarly, claim 1 is also amended to recite "a coolant storage tank supplying the coolant into the heatpipe ..."

rather than “a coolant storage tank adapted to supply the coolant into the heatpipe ...,” and is also amended to recite “a thermostatic element maintaining an approximately constant temperature of the coolant supplied into the heatpipe ...” rather than “a thermostatic element adapted to maintain an approximately constant temperature of the coolant supplied into the heatpipe...” The Applicants further note that claim 26 is similarly amended. In light of the amendments to claims 1 and 26, the Applicants submit the alleged “intended use” clauses recited in claims 1 and 26 should now be given patentable weight.

In light of the amendments to claims 1 and 26, the Applicants submit the combination of Hisai, Hara, and Emoto does not render claim 1 obvious at least because the combination does not disclose “a coolant storage tank supplying the coolant into the heatpipe when the plate is cooled and storing the coolant supplied to the heatpipe when the plate is heated,” as recited in claim 1. Furthermore, the Applicants submit the combination of Hisai, Hara, and Emoto likewise fail to disclose “the coolant storage tank is receiving the coolant from the heatpipe via the coolant supply pipeline,” as recited in claim 26. Accordingly, the Applicants submit the combination of Hisai, Hara, and Emoto cannot be relied on for rendering claims 1 or 26 obvious. The Applicants further submit that claims 3-7, 12-16, 18 and 21-24 are likewise nonobvious over the combination of Hisai, Hara, and Emoto at least by virtue of their dependency on claim 1.

For at least the reasons given above, the Applicants respectfully request the rejections of claims 1, 3-7, 12-16, 18, 21-24, and 26 under 35 U.S.C. § 103 as being obvious over the combination of Hisai, Hara, and Emoto be withdrawn.

II. Claims 2, 10, 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisai et al. as modified by Hara et al. as applied to claim 1, and further in view of Leffert (U.S. Patent No. 3,621,906). The Applicants respectfully traverse.

As argued above, claim 1 is nonobvious over the combination of Hisai and Hara at least because neither reference teaches, suggests, or discloses “a coolant storage tank supplying the coolant into the heatpipe when the plate is cooled and storing the coolant supplied to the heatpipe when the plate is heated,” as recited in claim 1. Additionally, the Applicants submit Leffert fails to cure this deficiency. Accordingly, even if one skilled in the art did combine the Hisai, Hara, and Leffert references, the combination would not render claim 1 obvious at least because the combination would not disclose “a coolant storage tank supplying the coolant into the heatpipe when the plate is cooled and storing the coolant supplied to the heatpipe when the plate is heated.” The Applicants further submit claims 2, 10, 11 and 25 are likewise nonobvious over the combination of Hisai, Hara, and Leffert at least by virtue of their dependency on claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 2, 10, 11 and 25 under 35 U.S.C. § 103 as being obvious over the combination of Hisai, Hara, and Leffert be withdrawn.

III. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hisai et al. as modified by Hara et al. and Emoto as applied to claim 3, and further in view of Komino (JP-5315293).

As argued above, claim 1 is nonobvious over the combination of Hisai, Hara, and Emoto at least because the combination does not teach, suggest, or disclose “a

coolant storage tank supplying the coolant into the heatpipe when the plate is cooled and storing the coolant supplied to the heatpipe when the plate is heated,” as recited in claim 1. Additionally, the Applicants submit Komino fails to cure this deficiency. Accordingly, even if one skilled in the art did combine the Hisai, Hara, Emoto, and Komino references, the combination would not render claim 1 obvious at least because the combination would not disclose “a coolant storage tank supplying the coolant into the heatpipe when the plate is cooled and storing the coolant supplied to the heatpipe when the plate is heated.” Furthermore, the Applicants submit claim 27 is nonobvious over the combination of Hisai, Hara, Emoto, and Komino at least by virtue of its dependency on claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 27 under 35 U.S.C. § 103 as being obvious over the combination of Hisai, Hara, Emoto and Komino be withdrawn.

<Remainder of Page Intentionally Left Blank>

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-7, 10-16, 18 and 21-27 in connection with the present application is earnestly solicited.

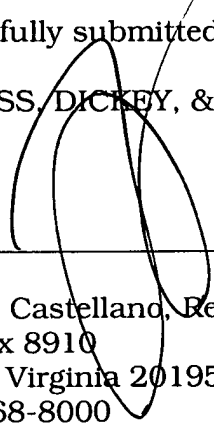
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/DMB:eaf